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Literary Didacticism and Collective Human Rights in U.S. Borderlands: Ana Castillo's *The Guardians* and Louise Erdrich's *The Round House*
Tereza M. Szeghi

Abstract: A comparative assessment of Ana Castillo's *The Guardians* and Louise Erdrich's *The Round House* reveals that a combination of legal restrictions and ambiguities in U.S. borderlands contributes to human rights violations, while also making clear that there cannot be a singular strategy for advancing indigenous human rights in these borderlands. By identifying specific policies and attitudes that need reform, the novels empower readers to take action and suggest that literature has a larger role in human rights activism than just spurring empathy.

I. Introduction

There is now a sizable body of scholarship on the relationship between human rights and literature. James Dawes suggests that the work of human rights is largely a matter of storytelling.¹ Joseph Slaughter contends, in turn, that “literary works and literary modes of thinking have played important parts in the emergence of modern human rights ideals and sentiments, as well as in the elaboration of national and international human rights laws” (“Rights” xii-xiii). More specifically, in her oft-cited *Inventing Human Rights*, Lynn Hunt argues that contemporary human rights thought derives from the rise of the epistolary novel, which enabled readers to empathize with people different from themselves by rendering their individual experiences in a compelling, broadly understandable fashion.² Just as these epistolary novels focused on the individual, so too has the human rights tradition been derived from individualistic Western Enlightenment thought and foundational Western documents (from the Declaration of the Right of Man to the United States Declaration of Independence).³ Although much human rights fiction is non-Western, it tends to be read by Westerners through the dominant human rights frame—which emphasizes the

struggles of individuals in relation to the societies in which they live.⁴ Too infrequently are such texts examined with an eye not just toward critiquing human rights thought or activism, but also toward revising working conceptions of what human rights are and how literature can best be allied to the struggle for human rights. This article addresses how two recent novels, written by indigenous U.S. writers, offer precisely these types of critiques and revisions.

Ana Castillo's *The Guardians* (2007) and Louise Erdrich's *The Round House* (2012) argue from indigenous American perspectives (Chicana and Ojibwe, respectively) for reforms to the individualistic nature of much human rights thought and, as a result, to the ways nation states police and maintain their borders. Moreover, they reject conventional approaches to the role of literature in effectively promoting human rights—which tend to emphasize literature's capacity to spur empathy⁵—by blurring the line between literary, legal, and political realms. Castillo and Erdrich weave into their narratives overt statements about the laws, policies, and colonially rooted biases that contribute to human rights violations in the U.S. today. They do not just appeal to readers' emotions, but also offer readers/would-be activists guidance about what can be done to effect change (e.g., citing specific policies that need to be overhauled) in order to increase the odds that their novels will prompt readers to take action.

Looking at these two books together reveals how legal restrictions and ambiguities in U.S. borderlands contribute to human rights violations in these regions. Further, it prompts a comparative assessment of how the U.S. legally defines and maintains two distinct types of borders (the international border with Mexico and internal borders with American Indian nations whose sovereignty continues to be hard fought and under-recognized by the U.S.). While recent human rights instruments like the 2007 *United Nations Declaration on the Rights of Indigenous People* (*UNDRIP*), which the U.S. adopted in 2010, tend to take a comprehensive approach to indigenous

rights, these novels, examined together, illustrate that while there are significant commonalities in the ways U.S. policies contribute to human rights violations in different indigenous borderlands, there are also important distinctions in terms of how these policies should be revised to promote the human rights of indigenous peoples.⁶

In *The Round House*, a rape goes unpunished in part because of the indeterminate location of the crime and limitations placed on tribal governments when prosecuting offenses that occur on their lands (particularly when the perpetrator is not an American Indian). It is the tribe's combined separation from and connection to the U.S. legal system that impedes justice for Geraldine Coutts (the rape survivor) and her family. *The Guardians*, in turn, spotlights how U.S. efforts to treat its border with Mexico as a dividing line between discrete nations, when people have always migrated across and the two economies are mutually dependent, creates conditions for criminal activity along the border that yields violence and death. The novel centers on a family bisected by the border and details how members of the family and their friends respond when one member (Rafa) disappears while attempting to enter the U.S. from Mexico.

This article argues that Castillo and Erdrich invest the human rights violations they fictionalize with a sense of urgency and significance by overtly communicating that their characters are representative of larger groups of people in the world outside of their novels. Geraldine's rape is not a violation of just one fictional American Indian woman but is illustrative of a large-scale phenomenon in Native America that is deeply connected to erosions of tribal sovereignty (impairing tribes' ability to achieve justice for their people and rendering American Indians more vulnerable to attack by opportunistic criminals). Likewise, Castillo presents Rafa as representative of the many undocumented migrant workers who face violence, disappearance, and death when trying to cross into the U.S. Erdrich and Castillo suggest that a combination of over-

and under-determinacy in the ways tribal and international borders, respectively, are understood and maintained breed human rights violations against indigenous peoples. In addition to recommending reform to the laws and practices that shapes these borderlands in the interest of indigenous human rights, both authors repudiate the individualism of dominant human rights thinking by dramatizing the mechanisms of intergenerational trauma. Particularly by focusing on how the development of boys in their formative teenage years is irrevocably—and tragically—skewed by the violence their parents endure, Castillo and Erdrich illustrate that human rights violations do not just damage their direct victims but also a broader constellation of family and community members. This article considers how the novels' didacticism and bald political messages effectively aim to combat the cognitive defenses readers of human rights literature experience, which prevents them from taking action. Finally, I argue that Castillo's and Erdrich's novels provide significant insights into the ways the *UNDRIP* needs to be deployed and amended to respond to the varied needs and circumstances of indigenous people of the U.S. borderlands.

II. Over- and Under-Determinacy in the Construction and Enforcement of U.S. Borders

Beginning with *The Round House*, as indicated above, Erdrich situates the story of Geradline's rape and its aftermath within a broader context of erosions to tribal sovereignty that have contributed to American Indian women experiencing a disproportionate amount of sexual violence and rarely seeing their attackers prosecuted. According to the United States Department of Justice, American Indian women are two and a half times more likely than women of any other race to experience sexual assault and one in three American Indian women reports having been raped (and because rapes are underreported, the actual number is much higher).⁷ Moreover, over

eighty-six percent of the sexual assaults American Indian women report are alleged to be perpetrated by non-Native men.⁸

Erdrich makes clear that *The Round House* is as much about Native America in general as it is about one particular Native family. The novel itself is an argument against a set of laws that have limited tribal sovereignty and thereby contributed to a large-scale trauma afflicting American Indians. Presenting rape as an issue of sovereignty and a crisis that coincides with colonization is consistent with broadly held understandings of the impact of rape for Native communities. Rape was rare in Native America prior to colonization.⁹ Moreover, as Creek legal scholar Sarah Deer writes,

[T]he crisis of rape in tribal communities is inextricably linked to the way in which the United States developed and sustained a legal system that has usurped the sovereign authority of tribal nations. This colonial legal system has failed Native women by supplanting women-centered societies with patriarchal, oppressive structures that condone and thrive on violence as a way to control and oppress members of marginalized communities. (*Beginning and End of Rape* xiv)

Likewise, the specific event of Geraldine's rape is situated in a long history that dates back to colonization, and the aftershocks are felt throughout the community—demonstrating how rape plagues Native communities rather than only the direct victims of sexual violence.

Even before Geraldine's rape, the legal relationship between the tribe and the U.S. government is a central theme of *The Round House*—and, notably, part of her twelve-year-old son Joe's inheritance as he resists the limitations of childhood and demands a more adult role. Early in the novel, for example, he sneaks into his father's (Judge Antone Bazil Coutts's) study to read *The Handbook of Federal Indian Law*, a book his grandfather gave to his father, which is annotated by

both men. In this manner Joe accesses a paternal inheritance that positions him to evaluate what the law can achieve when he later is desperate to avenge his mother's rape. During his first encounter with this law book, Joe recalls "parsing out the idea, established in other cases and reinforced in this one, that our treaties with the government were like treaties with foreign nations. That the grandeur and power my Mooshum talked about wasn't entirely lost, as it was, at least to some degree I meant to know, still protected by law" (2). Erdrich thus prefaces the specific human rights violation at the center of the novel with broader tribal legal considerations. Joe quickly sees a legal and treaty-based verification of the Ojibwe's sovereign status that his lived experiences suggest is not realized in practice—as indicated by his reference to an all but lost grandeur and power. Ultimately, *The Round House* calls on readers to transfer a shared feeling of outrage into advocacy for the political and legal reforms that would realize the treaty promises about which Joe reads.

Erdrich couples Geraldine's rape with immediate indications that her attacker will never be punished—thereby rendering more stark the opposition between the need for justice that follows a violent crime and the particular hurdles American Indians face (detailed below) in achieving this outcome. While the Coutts family is still at the hospital during the rape's immediate aftermath, Joe and Bazil discuss how to proceed with identifying and prosecuting Geraldine's attacker. Joe recalls,

I put my hands on his hands and looked into his eyes. His leveling brown eyes. I wanted to know that whoever had attacked my mother would be found, punished, and killed. My father saw this. His fingers bit into my shoulders. We'll get him, I said quickly. I was fearful as I said this, dizzy. Yes. He took his hands away. Yes, he said again. He tapped his watch, bit down on his lip. Now if the police would come. They need to get a statement.

They should have been here. We turned to go back to the room. Which police? I asked.

Exactly, he said. (12)

This passage begins with a strong need for a clear and decisive course of action in response to the rape: that the rapist be “found, punished, and killed.” The end of the passage, however, reveals the issue complicating each of these three steps: the fact that the rape occurs in an area where three classes of land meet (tribal trust, fee/former purchased allotment, and state). The issue with seeking immediate action is not just the fact that the police fail to arrive in a timely fashion, but also that it is unclear which police department has jurisdiction. Moreover, as Bazil later informs his son, if the case is referred to the federal court system, the chances of prosecution would be small, even with an indictment, because “the U.S. attorney often declined to take the case to trial for one reason or another” (41). The Coutts have the advantage of being able to count a judge among their ranks who is aware of all of these issues and can proactively attempt to navigate them. The fact that even with this advantage they ultimately cannot find justice through official channels suggests the average American Indian rape victim has even less hope for justice (just one reason why many of these rapes go unreported).

This jurisdictional tangle and the consequences it has for the Coutts family suggest a critique of the ways reservation boundaries are drawn, understood, and enforced. The borders surrounding reservations, as Erdrich indicates, are both under- and over-determined: underdetermined in the sense that tribes do not enjoy full sovereignty and thus are subject to federal and sometimes even state intervention into their affairs (limiting, for instance, their ability to respond effectively to an epidemic of sexual violence), and over-determined in that sexual violence on reservations and the legal avenues for addressing this violence are starkly different than in the rest of the U.S. The novel comments on this under- and over-determination in part by illustrating

that reservations boundaries are porous, that non-Native people enter and inhabit reservation spaces, and that federal laws which treat crimes committed by non-Natives on tribal lands differently do not just violate tribal sovereignty but actually encourage violence against American Indians by non-Indian perpetrators.

The Round House dramatizes the particular vulnerability American Indian women on reservations face at the hands of non-Native perpetrators through the particularly vile character of Linden Lark (Geraldine's rapist). Erdrich uses Lark to make clear that one reason non-Native men prey on Native women is that they are aware of the legal and jurisdictional hurdles that make it unlikely they will ever be charged, much less prosecuted or sentenced, for raping a Native woman. Geraldine recalls his words after he raped her, "I won't get caught, he said. I've been boning up on law. Funny. Laugh. He nudged me with his shoe. I know as much law as a judge. Know any judges? I have no fear" (161). Not only does Lark knowingly take advantage of legal loopholes that essentially allow him to rape Geraldine with impunity, but he also comes from a racist family that exploited American Indians for material gain, as discussed below. In fact, following the rape he confesses to being "one of those people who just hates Indians generally and especially for they were at odds with my folks way back" (161).

By situating Lark's victimization of Geraldine in an intergenerational history of racist violence and exploitation, Erdrich again makes clear that the events of her novel are not specific to just one family or historical moment. Further, by overtly linking her fictional narrative to historical events, laws, and legal decisions, she makes underscores its real world correlations and implications. Whereas Joe's inheritance is a quest for a more robust tribal sovereignty and legal protections for his people, Lark's is an interconnected web of white entitlement and anti-Indian racism. Lark's great-uncle was part of a lynching party that is mentioned sporadically in the

novel—likely a reference to the 1897 hanging of three American Indians in North Dakota, which Erdrich also fictionalizes in *The Plague of Doves* (in which Bazil appears as well).¹⁰ The three American Indians had been arrested for allegedly murdering a white family who lived just outside their reservation, were abducted from jail by a group of approximately forty local men, and hanged.¹¹ None of the members of the lynching party were ever arrested or prosecuted. Bazil corrects Joe's description of lynching as "old history" and suggests that Lark's connection to that history accounts for his contempt. Bazil explains that this is a living memory for the Ojibwe when he notes that they know the families of the hanged and of those who did the hanging (211). Further, his comments on the innocence of those who were hanged speak to a long history of American Indians being falsely accused and punished.¹² Thus, the novel asserts that the U.S. legal system long has failed them from every side.

The Guardians likewise argues that over- and under-determinacy afflict U.S. borderlands and breed human rights violations, but in this case the focus is on the U.S.-Mexico border. This border is broadly understood to divide two discrete nations and peoples when in reality it is porous and thus the U.S. and Mexico are deeply interconnected. As one of the novel's central characters, Regina, reflects,

What if there had been no war¹³ and what if no money could be made on killing undocumented people for their organs? What if this country accepted outright that it needs the cheap labor from the south and opened up the border? And people didn't like drugs so that trying to sell them would be pointless? (29)

Regina speaks to the correlation between increased border security and the violence and deaths experienced by migrants in the desert. In short, because the safest and therefore most popular paths for crossing are highly monitored, migrants have begun crossing in sections of the border where

the extremes of the climate render arriving in the U.S. alive quite difficult. Further, gangs that bridge the border (and who exert more power in some sections than the authorities of either nation) have identified business opportunities and charge migrants exorbitant fees for allegedly safe passage.¹⁴ Even those migrants who otherwise would be able to cross on their own, like Regina's brother, are forced to pay coyotes (human smugglers) to get them across or face repercussions from the gangs.

Regina also points to the long but often unacknowledged history of U.S. businesses and farms relying on migrant labor from the south and frequently inviting workers to cross the border for work. However, rather than set up a sustained set of policies in recognition of this labor demand that would allow workers to reside here legally and arrive safely, the U.S. has a patchwork of policies, which Castillo explicitly identifies and, through her characters, critiques. These policies range from the Bracero Program, which encouraged the migration of 4.5 million Mexican citizens for temporary work in the U.S. between 1942 to 1964, to the mass expulsions of many of these same workers, as well as the marked uptick in border security that began in the 1990s with such programs as Operation Gatekeeper. The Bracero Program and its conclusion exemplify how the U.S. is willing to open the border selectively for its own interests but then deny responsibility for workers who have contributed to its economy when the need for them dries up.

Milton (the grandfather of Miguel, whom Regina dates) serves as the novel's historian and thereby provides a broad context for the novel's events and political critiques; he notes that the Bracero Program was just one in a series of guest worker programs that disproportionately benefited the U.S. Milton comments on Mexican workers signing contracts they could not read, because the contracts were in English, and being permitted to return to Mexico only with their employers' permission or without pensions to Mexico after the program ended. The novel offers

several further illustrations of the inhumane conditions to which migrant workers are subject, including Gabo's (Rafa's son and Regina's nephew) uncle Osvaldo being forced by his employer to stand overnight in a shallow lake along with his fellow workers so they would not flee. Osvaldo, an otherwise healthy twenty-nine year old, contracted pneumonia and died when Gabo was very young. The memory of his uncle's death remains vivid for Gabo, causing his own body to grow cold (21).

Underlying the novel's critique of specific border security and immigration policies is an overarching argument against the construction and maintenance of the border itself. Milton offers the most overt critique of border security:

The Border Patrol got started up in 1924, the year I was born. That's when Mexicans got to be fugitives on our own land. Whether you lived on this side or that side, all Mexicans got harassed. Sometimes the police would come knocking on your door and pull you out. It didn't matter if you were born over here or not. (72)

Milton's comments illustrate how the novel frames the border as both under- and over-determined. On one hand, the border is meaningless: regardless of citizenship or the proximity of one's birth to the border, a person of Mexican descent is discriminated against, viewed as hostile, and even perceived as un-American. On the other hand, the border has clear conceptual power: the two nations and cultures it divides are rendered all the more discrete when Mexican ancestry is more significant than the place of one's birth for assigning nationalist labels (e.g., Mexican vs. American). Castillo also uses Milton to allude to the disproportionate military service Mexican Americans have performed and the largely unrealized hope many had that such service would cause other U.S. Americans to view them as full-fledged citizens.¹⁵

The Guardians illustrates that it is not just the official national status of migratory workers that exposes them to deportation, violence, and inhumane working conditions. The fact that many migrant workers are undocumented and have no legal avenue for entering the U.S. for work, where employers nonetheless solicit migrant labor, forces them to travel under the radar of the U.S. and Mexican governments. They are then vulnerable to the demands of gangs who have been emboldened by heightened border patrol measures that have forced undocumented migrants to cross in the most sparse, arid, and dangerous sections of the border.¹⁶ Regina's brother Rafa's experiences and his body itself come to symbolize what *The Guardians* argues is the unacceptable human cost of border enforcement. The police ultimately find Rafa dead in the house of coyotes he had paid for safe passage, where he was held hostage, forced to make methamphetamine, and tased repeatedly. Regina reflects while looking at his corpse at the coroner's office, "[i]t could have been any undocumented man caught up in the evils of border crossing" (207).¹⁷ Simply being undocumented subjects him to "the evils of border crossing." As Regina suggests, his story is not unique but rather representative of a much broader phenomenon.

Because of his unofficial status and mode of crossing, authorities in the U.S. and Mexico have no knowledge of his migration and little to go on to locate him. Regina repeatedly goes to the local police for help, always leaving empty handed. After she eventually is referred to Grupo Beta, an entity of the Mexican government whose ostensible aim is to help migrants, Regina wonders, "where would anyone begin protecting people they didn't even know existed?" (118). It seems, in effect, that the interests of migrant workers like Rafa are outside the purview of either Mexico or the U.S. because they have been rendered invisible by their poverty and by U.S. immigration policy (which denies workers legal entry while turning a blind eye toward U.S. employers' use of their labor). The novel is set in the U.S. and the explicit focus of its critical eye

is U.S. policy, but one might argue that there is a more subtle argument made about the racialized socioeconomic hierarchy in Mexico that leads many of its poor to risk their lives entering the U.S. illegally for work.¹⁸

As in *The Round House*, jurisdictional issues impede the quest for justice in response to human rights violations in *The Guardians*. When Miguel's ex-wife Crucita disappears while doing missionary work in Mexico, for instance, state police are limited in their ability to find and question members of the gang who likely participated in her abduction because they cannot cross state lines and do not appear to have strong working relations with Mexican authorities. Consequently, Milton argues that the job falls to him and Miguel. The gangs involved in Crucita's and Rafa's abductions have the trans-border finesse and reach that U.S. and Mexican authorities lack.

Neither Castillo nor Erdrich is subtle with the political interventions she aims to achieve with her novel. Castillo dedicates *The Guardians* to "all working for a world without borders and to all who dare to cross them." Several of her characters echo statements she has made publically regarding U.S. culpability in fueling borderlands violence through the war on drugs, the militarization of the border, and the U.S. appetite for illegal drugs (which keeps transnational gangs in business), as well as the failure to provide legal avenues for migrant workers entering the country to fill vacant jobs. With *The Guardians* she makes vivid the forms of violence inhabitants of the borderlands suffer, including organ harvesting, rape, and disappearance. Marta Caminero argues that Castillo is one of several recent Chicana authors to

appropriate the language of the 'disappeared' with all of its connotations of state violence from a Latin American context to construct migrant disappearances as a new form of cultural trauma that violently separates families and introduces profound instability into notions of individual and group identity. (308)

Louise Erdrich likewise makes her personal convictions about the human rights issues featured in her novel explicit. For instance, in the same year she published *The Round House* she wrote an op-ed for *The New York Times*, entitled “Rape on the Reservation.” In interviews she has been outspoken about the political aims of her novel, as with her comment that “[i]t’s a suspense novel masking a crusade.”¹⁹

III. Intergenerational Trauma and the Case for Group Rights

By illustrating the traumatic effects of Rafa’s disappearance and Geraldine’s rape on their families and family friends, *The Guardians* and *The Round House*, respectively, suggest that human rights violations cannot be understood fully if we focus only on the direct victim. That is, human rights violations are not just violations against individuals but also against families and communities; therefore our assessment of the damage inflicted by such violations will be only partial and our response incomplete if we attend only to direct victims or ostensibly isolated individuals. Caminero-Santangelo identifies *The Guardians* as an example of a recent novel that focuses on a broader community surrounding victims of border trauma, unlike nonfictional accounts, which tend to concentrate on direct victims. She claims that, in this manner, these novels suggest that

border disappearances are becoming a form of cultural trauma for migrants and their families and communities, and serve as forms of testimonial fiction against US immigration and border policies at home, which ignore the realities of labor needs, and have steep human costs. (308)

This line of argument can be extended to *The Round House*, with rape being presented as a large scale, colonially rooted cultural trauma.

The traumas featured in *The Round House* and *The Guardians* spread laterally and vertically. Rafa's sister Regina must parent an orphaned and suffering Gabo while dealing with her own loss. Geraldine's husband Bazil, in turn, experiences the loss of the wife he once knew, the responsibility of virtually being a single parent to Joe, and a sense of impotence as a tribal judge without legal recourse for prosecuting Geraldine's rapist. Arguably, however, the most acute suffering experienced in these novels beyond the direct victims of violence is by the children of those victims—demonstrating that human rights traumas have intergenerational effects. Geraldine's rape and Rafa's disappearance occur when their sons are at a critically formative age, with Joe having just turned thirteen and Gabo being fifteen, when they realize something has happened to their parents.

Castillo's rendering of the effects of borderlands violence on a young boy's development is particularly stark due to Gabo's virtue, as indicated by the cues Regina observes of Gabo's increasingly precarious state of mind in the wake of his father's disappearance: Gabo reading and praying less regularly. It is a wonder that Gabo made it to nearly sixteen with such dedication to his studies, faith, and family given the horrific way in which he had lost his mother. Regina recalls,

Just the mention of Ximena and the boy falls apart. It's been almost seven years now but Gabo was just a child. His mind sort of got stuck in that time when his mother didn't make it. He was here with me that winter, too. When Rafa and Ximena were returning they got separated. The coyotes said no, the women had to go in another truck. Three days later the bodies of four women were found out there in that heat by the Border Patrol. All four had been mutilated for their organs. (4)

The time of his mother's death becomes Gabo's eternal present. Rather than growing up with a mother as a source of comfort, guidance, and support, her mere mention is enough to break him

emotionally. As the passage above indicates, even when Gabo's parents were alive, his family was fragmented by the border. His parents regularly left their home in Mexico for work in the U.S., during which they sometimes would leave him with Regina at her home in Texas. Although his parents made the crossing with the aim of acquiring enough money to maintain a better lifestyle in Mexico for their family, they risked their lives in order to do so. Castillo dramatizes the lawlessness of the border and the threats women face there with references to untrustworthy coyotes and the particular vulnerabilities of women in the borderlands. Here we see the borderlands economy at work, in which migrants and their organs are currency and coyotes' services flourish free of the oversight of governments or consumer protection agencies. In the years since Ximena's murder the coyotes and gangs with whom they are affiliated have only grown more powerful, compelling Rafa to use their services.

It is no exaggeration to say that Gabo's character is forged through borderlands trauma—in circumstances starkly opposed to those envisioned by the Universal Declaration of Human Rights, as it aspires to foster the “free and full development of the human personality.”²⁰ Gabo recalls crying when he heard his mother compare herself to a donkey, due to the work she performed, as well as when his father told him his mother was gone (39). He writes in one of his regular missives to Padre Pio, “I cannot remember a time when I wasn't crying over something gone forever. But I am a man now, and I know that tears are useless” (39). Growing up with the violence of the borderlands, and having been orphaned by it, Gabo learns to shut down the basic human response to loss: mourning. Instead, he learns that being a man means facing trauma without expressing grief. As Regina observes, after Gabo loses his father, “[a]ll his innocence was oozing out of him a little every day and there was nothing I could do to stop it” (50).

Ultimately Gabo becomes a martyr to the borderlands, and a powerful symbol of the costs of borderlands violence. Yet, there is a senseless emptiness in his martyrdom that aligns with the bleak view Castillo offers of life along the U.S.-Mexico border. Prior to his death, Gabo is presented as a possible saint—or, by contrast, a religious fanatic. He is not just exceptionally virtuous and religious, but also has visions and ultimately receives the stigmata. However, Gabo finally concedes to work with members of a local gang in exchange for their help after months of waiting for Rafa's return and authorities on both sides of the border failing to locate him. He is, in fact, taken to the house where his father was held hostage and died. When the police appear and he emerges from the house, a young woman, Tiny Tears, stabs him three times with a shard of glass (puncturing his kidney, lung and heart). Nothing is gained from his death. Tiny Tears appears not to remember killing him (likely due to having been on drugs at the time) and even claims to have loved Gabo. Castillo does not allow readers the small measure of relief or hope that might come with seeing Gabo's death as bringing about a more just world, as is traditionally the case with martyrdom. Instead, readers must mourn the loss of the novel's most innocent and devout character at the hands of someone Gabo had hoped to save from the gang violence she endured (including being raped and forced to kill to earn a place in her new "family"), all for no larger purpose.²¹

After official legal channels for redress appear to have failed, Joe, like Gabo, feels compelled to achieve justice himself. Readers of *The Round House* then see how a young boy's coming of age is twisted by trauma in ways that could derail his life permanently. Even before Joe thinks of acting alone, readers witness an immediate reversal of parent-child relations that prematurely catapults him into an adult role and sets the stage for him later risking his life and

freedom to protect his mother. After insisting upon going to the hospital with Geraldine, against Basil's wishes, Joe reflects,

I had almost never challenged my father in word or deed. But it didn't even register between us. There had already been that look, odd, as if between two grown men, and I had not been ready. Which didn't matter. I was holding my mother tightly now in the backseat of the car. Her blood was on me. I reached onto the back window ledge and pulled down the old plaid quilt we kept there. She was shaking so bad I was scared she would fly apart. (7)

Even before Joe knows what happened to his mother, witnessing and responding to her trauma initiates a transformation in his relationship with both parents. It does not matter that he is not ready to take on an adult role; Joe now asserts his will with his father as a peer. At the same time he cradles his mother and attempts to physically hold her together while draping her in the quilt he often used himself while sleeping in the backseat. Although he is not orphaned literally like Gabo, Joe nonetheless feels he has lost what he refers to as his "before mother" while also feeling neglected by his father, who is preoccupied with caring for Geraldine and attempting to identify her attacker.

Geraldine's rape has formative consequences for Joe, made more significant due to his age. Just as he is developing a sense of his own sexuality, at thirteen years of age, he learns what rape is. And just as he likely enters puberty and is developing a sense of himself as a man, he is surrounded by examples of male aggression toward women (not just by Lark against Geraldine, but also by his domestically abusive Uncle Whitey). The rage Joe develops toward Lark threatens to turn him into the type of male aggressor he despises and illustrates the varied devastations that a trauma like rape can visit on rape victims and those who care about them. Although Joe ultimately

becomes a lawyer and tribal judge, thus following in his father's footsteps in using legal channels for bolstering the sovereignty of his tribe, in the immediate aftermath of the rape it appears his mother's violation might send him down a much bleaker road. When his father hits Lark at the grocery store, for example, Joe recalls, "[a] pure black joy in seeing his blood filled me" (244). And after he takes Lark's life with his friend Cappy's help,²² Joe feels as though his spirit is fleeing and is being replaced by Lark's—making him the same type of destructive, sociopathic person (294). Thus, Lark's aggression not only threatens to destroy Geraldine, whose spirit Joe describes as dying (113), but also to destroy Bazil (who has a heart attack after beating-up Lark) and consume Joe.

IV. Literary Didacticism and Empathic Efficacy in the Struggle for Human Rights

The efficacy of literature in prompting social change is not something about which we must merely speculate. In "Reading Human Rights Literature in Undergraduate Literature Classes," Kimberly Nance draws upon scientific research in an attempt to pinpoint how undergraduate college students in particular respond to reading human rights literature.²³ Social psychologists, she notes, have found that reading about injustice can prompt action to eradicate that injustice and, moreover, that undergraduates are at an age when the frontal lobes of their brains (which are responsible for empathy) continue to develop. However, various cognitive defenses kick in that, more often than not, overcome the impulse to act. These defenses include but are not limited to: disbelieving the truth of the narrative, minimizing the significance of the suffering, blaming the victim, and shifting responsibility to others assumed to be in a better position to act (164). Some readers are so overwhelmed by the suffering detailed in a narrative that they feel impotent in the face of it (165). Others feel a sense of accomplishment just for having completed

the book. According to Nance, “[e]specially in the case of the most violent and vivid accounts of suffering, merely finishing the book may be defined as a feat of strength from which readers emerge triumphantly, with a sense of catharsis and closure” (165). Therefore, authors of human rights literature must balance a desire to jolt readers from a sense of complacency by rendering human rights violations vividly enough to prompt outrage against the risk of making the reading experience itself so challenging as to allow readers catharsis and closure.

Recent scientific research offers new insight into the relationship between literature and empathy and strengthens the notion that empathy is one of literature’s most significant contributions to human development. However, it also leaves questions about literature’s ability to prompt action unanswered. A 2013 study conducted by David Comer Kidd and Emanuele Castano offers compelling data to support their claim that reading *literary* fiction (as opposed to popular fiction) improves theory of mind (with particular gains in empathy) because it prompts readers to work to understand its characters and often disrupts readers’ expectations.²⁴ Notably, *The Round House* was one of the texts Kidd and Castano gave to test subjects that prompted these positive results. However, there is no data available to date about the duration of these effects and empathy’s efficacy in prompting action is far from certain. In his conversations with human rights field workers about empathy, Dawes reports that he frequently received the following concern: “When empathy-inspired action cannot quickly find a clear, straightforward, and personalizing solution, it fades, and the unpleasant (guilty, helpless) sensation of fading promotes empathy-avoidance in the future” (429). Thus Dawes cautions against an uncritical celebration of literature’s proven ability to spur empathy for those of us who also are invested in literature’s role in the realization of human rights. One way to avoid the action-inhibiting reactions Nance details and the negative consequences of directionless empathy Dawes describes, I argue, is to offer the

information necessary to adequately understand and care about the human rights violation in question while also presenting relatively modest actions as appropriate and effective responses to reading human rights literature. *The Guardians* and *The Round House* take precisely this approach by offering necessary historical, legal, and cultural contexts for the human rights issues they address and also suggesting meaningful actions readers can pursue in response.

As Julie Tharp points out in her analysis of *The Round House*, Erdrich constructs pretexts for talking about the law (thereby educating readers), without disrupting the flow of the novel.²⁵ Not only is Bazil a tribal judge but Joe, who narrates the novel from an adult perspective, also is a tribal judge at the time he writes.²⁶ Therefore, he has the perspective to make statements such as: “[i]f there was one law that could be repealed or amended for Indians to this day, that would be Public Law 280. But on our particular reservation [FBI agent] Bjerke’s presence was a statement of our toothless sovereignty” (142). This law gave some states criminal and civil jurisdiction over tribes within their boundaries. For the Coutts family this means having to report the crime to an external authority and hope that he will seek prosecution. As Joe frames the issue, Agent Bjerke does not just add another layer of bureaucracy to Geraldine’s case and increase the Coutts’ sense of powerlessness; he also represents a loss of sovereignty in adjudicating the tribe’s own legal concerns. Joe’s comment offers readers a clear target for action: the repeal of Public Law 280 in relevant states and in favor of tribes regaining the right to prosecute crimes that happen on their lands—regardless of the race of the perpetrator.

Over the course of the novel Erdrich identifies and repudiates several major laws and legal opinions that have made rapes against American Indian women difficult to prosecute, including Public Law 280, the Major Crimes Act of 1885 (which gives jurisdiction of major crimes on tribal lands to federal courts), and *Oliphant v. Suquamish* (wherein the Supreme Court decided that tribal

courts do not have criminal jurisdiction to try and punish non-Indians, unless granted it by Congress). Regarding this final case Tharp observes, “state and federal courts were given jurisdiction to choose whether or not to try non-Indians for crimes against Indian people. In the instance of sexual violence against Indian women, they have chosen to ignore much of it” (27). Through the legal perspectives of Joe and Bazil, Erdrich educates readers about these laws and their implications for American Indian women, thereby offering them a clear indication of the reforms necessary to achieve justice for women like Geraldine.

Although the 2013 reauthorization of the Violence Against Women Act (“VAWA”) (which Erdrich advocated for in her *New York Times* op-ed) includes a provision allowing tribes to prosecute non-Native perpetrators of crimes against Native women and certainly is a step in the direction *The Round House* pushes for, tribal jurisdiction remains narrow. Tribes are not allowed to prosecute non-Native perpetrators who lack “sufficient ties to the tribe” through residence or employment on tribal land, or to perpetrators who are strangers to their victims.²⁷ Consequently, the forty-one percent of rape cases against non-Native perpetrators remain outside tribal jurisdiction (Owens 502). Moreover, tribes require additional resources to be able to meet the requirement that they continue abiding by the Indian Civil Rights Act of 1968, which requires them to provide defendants with legal council and a trial by jury. Further, there is a problem with focusing narrowly on tribes’ authority strictly within tribal boundaries when crimes may occur just outside a reservation. *The Round House* makes clear that, indeed, boundaries between tribal, state, fee, and federal lands often are messy and unclear. Although Lark would meet the requirement of being connected sufficiently to the tribe to warrant tribal jurisdiction, he knowingly marches Geraldine just beyond the reservation boundary when he assaults her—ensuring that even under the new provision of the VAWA the tribe could not have prosecuted him.

The Round House offers indications that incrementally the tribe is making headway in securing more legal and judicial authority over non-Natives—one effect being that readers receive the sense that the cause is ongoing and that there is hope for success. In the early stages of trying to identify Geraldine's attacker, Judge Bazil pulls previous court cases, including one concerning the Lark family. The Larks, who owned a gas and grocery mart located on former purchased allotment land surrounded by tribal trust land, were accused by Ojibwe tribal members of adding a twenty percent surcharge to purchases made by Ojibwe who were young, old, intoxicated, or had mental health issues (49). The Larks admitted to adding a surcharge sometimes but claimed they were recouping losses from shoplifting. In this instance the complex location of the crime enabled Judge Bazil to assert jurisdiction, for while the store itself was on fee land, its surrounding property (e.g., dumpsters and picnic tables) was on tribal trust land. Moreover, eighty-six percent of its customers were Ojibwe and accessed the store from tribal land. Bazil takes pride in being able to claim some jurisdiction over a non-Indian perpetrator of a crime against his people. While Joe is disillusioned about Bazil's work when he discovers that the cases his father hears do not concern capital crimes, Bazil consistently argues that the way to secure a better future for his people is by steadily establishing legal precedent with well-argued and well-decided legal cases that eventually will persuade the federal government to give tribes more authority in prosecuting crimes committed on their lands and against their people (228-230).

The Guardians is less overt in identifying specific legislation to repeal, but the novel does make explicit that the ways the U.S. currently regulates the border and restricts immigration are responsible for varied forms of borderlands violence resulting in trauma and death. Regina's list of what if's (quoted above) provide a foundation for the reforms the novel suggests, particularly her wish that the U.S. recognize its need for cheap labor and open up the border. Not only would

Gabo and his parents likely have survived, but other members of Regina's family, including Regina herself as a young girl, may not have been subject to horrific working conditions as undocumented migrants that led Regina to think of herself as a robot and left her with a lasting sense, even after gaining citizenship, that she is a "nobody" (7). Castillo's comment from the book's acknowledgements, "[m]ay one day the leaders who govern over humanity earnestly seek ways to even the playing field for everyone to live with dignity," resonates throughout the novel with its multiple illustrations of the deadliness of the borderlands, the dehumanization of migrant work, and the crippling anxieties that can attend life in the U.S. as an undocumented person.

Human Rights and the Regulation of U.S. Borderlands

The many bills that have been proposed and stalled in the U.S. Congress, with provisions for guest worker programs, a path to citizenship for certain undocumented immigrants, and easier bureaucratic processes for entering the country legally, would advance Castillo's aim. However, *The Guardians*, as noted above, raises a more fundamental question about the nation's assumed right to regulate the border at all. Milton identifies the formation of the border patrol as the starting date of Mexican Americans living as fugitives even on their own lands. Further, multiple characters obliquely reference laws that force migrants in need of money to enter the country through the most hazardous routes and at the hands of gangs only to work in degrading, even deadly conditions. The novel thus implicitly asks readers to consider whether or not there is something about the enforcement of the border itself that breeds human rights violations and if universal human rights can be achieved with a border of this kind.

As Joseph Nevins observes, there is a basic contradiction between the universality of human rights and the acceptance that individual states have the right to police their borders (182).

Even the *Universal Declaration of Human Rights*, Nevins notes, only allows that individuals have the right to leave and return to their own countries, but not the corresponding right to enter other countries—when, of course, a person cannot leave one country without entering another (182). Simply returning to pre-1994 border security measures, Nevins argues, would reduce but not eliminate migrant deaths. Thus the question Nevins and Castillo prompt their readers to consider is how many deaths are justified by a nation’s supposed right to police its borders? Moreover, to what degree do borders organize the world into divergent levels of economic security? Is it possible to heed Castillo’s call for a world in which all live with dignity on an even playing field while keeping borders in place?

One of the challenges Castillo faces in her appeal to global leaders and the reading public is that the human rights instruments designed to ensure migrants’ human rights are among the least ratified. Signatories to these documents—such as the United Nations’ 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*—tend to be sending rather than receiving nations. As Martin Ruhs observes, one reason for this imbalance is the perceived financial obligations such documents impose on receiving countries.²⁸ Of course the border itself allows nations to differentiate between citizens of their own country and citizens of other countries and construct a different set of obligations to these two classes of people.

What *The Guardians* suggests, however, is that the U.S. acquires obligations toward non-citizens when those citizens live and work in this country—thereby contributing to the U.S. economy and U.S. communities while also being materially affected by U.S. laws and policies. The novel thus echoes Marit Hovdal-Moan’s claim that borders should be understood as “spaces of interaction” rather than dividing lines and that within these spaces the state interacts

substantially enough with migrants—including those whom it rejects—to acquire obligations to them. Moreover, rather than simply holding the state accountable to migrants after a harm has been done to them, Hovdal-Moan contends, states should have a forward looking understanding of their moral obligation to migrants which requires them to create the conditions necessary to best avoid harm. *The Guardians* amply illustrates the substantial interactions that occur between the people of Mexico and the U.S. daily, with characters from both sides of the border moving across regularly and suffering the consequences of borderlands violence and discriminatory policies. As Theresa Delgadillo argues,

The Guardians presents the border crisis as war. [...] No longer simply a marker between nations, the border exists as a battlefield where, as the character Miguel observes, a series of ‘dirty wars’ involving drugs, guns, and human trafficking play out, spreading out in concentric circles from the border to visit death and brutality upon migrants, border inhabitants, and people on both sides of the border. (616)

Indeed, by presenting the U.S.-Mexico borderlands as a transnational space in which the two countries are interconnected through varied forms of violence that have been bred and exacerbated significantly by U.S. border security and immigration policies, Castillo advances the argument that the U.S. has acquired a responsibility to Mexican migrants.

Although the borderlands surrounding American Indian reservations are defined by a very different history and set of policies than those that define the U.S.-Mexico border, human rights violations on reservations have likewise been exacerbated partly by a failure to see reservation borderlands as spaces of interaction. As *The Round House* makes clear, reservation borders are porous and reservation lands are occupied by both Native and non-Native peoples. Restricting tribes’ ability to prosecute non-Native perpetrators of crimes on their lands fails to account for the

number of non-Native people who enter and reside on Native land and positions Native peoples to suffer higher rates of violence. At the same time, failures on the part of state police and federal agents and prosecutors to investigate and pursue crimes against American Indian women constitutes a failure on the part of the U.S. to honor its obligations to a set of its own citizens due to policies and attitudes that position those citizens in a separate class than the general population.

And yet, for all of the ways *The Round House* and *The Guardians* point toward common problems with how U.S.-Mexican and American Indian borders are regulated and perceived, they also make clear that bolstering the rights of indigenous peoples cannot be achieved with a singular strategy. Like many of indigenous activists against violence toward American Indian women, Erdrich, as noted above, presents this issue as part of a larger failure on the part of the U.S. government to fully recognize and support the sovereignty of American Indian tribes (specifically in this case by tying the hands of tribal authorities in matters of crimes and justice against their people and on their lands). Sarah Deer, for example, argues, “[f]or tribal nations, defining and adjudicating sexually motivated crimes is the purest form of sovereignty. “—the life-bearers and life-givers of nations—is central to the well-being of nations. Resisting rape means resisting colonization” (“Decolonizing Rape Law” 152). Rather than suggesting that the dividing lines between tribal nations and the rest of the U.S. be dismantled so as to better achieve justice for Native people, *The Round House* emphasizes the need for a more robust sovereignty that will allow tribes to advocate effectively for the rights and well-being of their people. The borders surrounding American Indian nations can be understood as a type of recognition that they are, in fact, nations—even as they fight to escape the limitations imposed on them being treated by the U.S. government as “domestic dependent nations.”²⁹

The Rights Of Indigenous Peoples

With *The Round House*, Erdrich both affirms and critiques several provisions included in *The Declaration on the Rights of Indigenous People*, including article four, which specifies that “[i]ndigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions,” and article twenty two, section two, which stipulates that “[s]tates shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.” Erdrich makes clear that tribes’ ability to regulate their internal affairs entails having authority over non-Native criminals who target their people while also suggesting that their prosecutorial authority should not be confined to tribal boundaries (given the complexity of tribal boundaries and the frequency of crimes just outside those boundaries). In the case of article twenty-two, indigenous peoples’ role in protecting indigenous women and children against violence and discrimination is subordinate to the role of the state in doing the same—which itself undermines tribal self-determination and sovereignty.³⁰

Whereas *The Round House* suggests that greater recognition of the sovereign status of American Indian nations (and, by extension, the legitimacy of their borders) is key to ending the epidemic of sexual violence against American Indian women, *The Guardians* presents the formation and maintenance of the U.S-Mexico border as creating the conditions for human rights violations against indigenous Mexicans. Of course, the relationship between the U.S. and the indigenous people who cross from Mexico is quite different than the one the U.S. has with the American Indian tribes within its borders. There is no foundation of treaty rights with Mexican Indians, and migrants who enter the country for work do not have the full civil rights of citizens.

Further, the *UNDRIP* has little to say about the obligations of states to indigenous peoples from other countries—which, *The Guardians* suggests, is a significant oversight. The only article in the *UNDRIP* that mentions borders is quite vague:

Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. (Article 36, Section 1)

The emphasis here is on indigenous peoples divided by an international border (such as the Yaqui, whose land is bisected by the U.S.-Mexico border) rather than on indigenous people who enter a country without an acknowledged ancestral connection to it. This lack of attention to indigenous migrants is symptomatic of a larger failure in the global community to adequately address the human rights of migrants (given the under-ratification of conventions and declarations that focus on migrants' rights). Although article thirty-six of the *UNDRIP* does allow the crossing of borders for various purposes, including economic, a strong check is placed on this provision by article forty six, which asserts that none of the content in the *UNDRIP* can be understood as threatening “the territorial integrity or political unity of sovereign and independent States.” One of the most pervasive critiques of the *UNDRIP* is, in fact, the continued supremacy of the State in indigenous affairs. Both *The Guardians* and *The Round House* illustrate that the State cannot always be relied on to promote indigenous rights (whether the indigenous people are citizens or not), particularly when those rights are perceived to undermine the State's own interests or priorities. This is just one of many reasons that literature has an important role in the ongoing struggle for universal human rights.

V. Conclusion

One of the key roles of literature in human rights struggles has long been its ability to do an end run around official political and legal channels for social reform to appeal to a broad readership that can be mobilized to take action on the human rights issues the literature addresses. These readers can then pressure politicians in this direction and vote accordingly. As Elvira Pulitano asserts, “[l]iterature becomes a form of public appeal when the law clearly fails to provide judicial redress” (182). Ana Castillo and Louise Erdrich appeal to readers to find ways of changing the laws their books indict as perpetuating human rights violations against indigenous peoples. This approach, of course, is not without risks. Some reviewers criticize Castillo for being overly preachy,³¹ and Erdrich could be accused of the same. Tharp aptly observes that Erdrich departs from her traditional lyrical prose style in order to accommodate *The Round House*’s overt political appeal, complete with legal and historical context. No doubt some of the devoted fan base Erdrich has cultivated in the three decades she has been publishing will lament this departure. I suspect, however, that Castillo and Erdrich understood that adopting a more didactic tone and offering a transparent political message would lead some readers to perceive their novels as less literary, in the traditional sense, but also calculated that this risk was acceptable in order to address pressing human rights issues by offering readers the necessary information and directives to take action themselves.

¹ James Dawes, “Human Rights in Literary Studies,” *Human Rights Quarterly* 31.2 (2009), 394-409.

² Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton & Company, 2008).

³ Because the work of human rights is global and varied nations have participated in their construction and enforcement, from the beginning of the human rights movement there have been culturally based debates about what human rights are. Slaughter illustrates the ongoing debate about the appropriate relation between individuals and their communities, for example, by recalling how *Robinson Crusoe* was referenced during the drafting of the Universal Declaration of

Human Rights as a means of both making the case for individual autonomy and arguing that individuals rely on their communities to flourish fully. See Slaughter, “Enabling Fictions and Novel Subjects: The *Bildungsroman* and International Human Rights Law,” in *Theoretical Perspectives on Human Rights and Literature*, ed. Elizabeth Swanson Goldberg and Alexandra Schultheis Moore (New York: Routledge, 2012), 41-64.

⁴ See Slaughter “Enabling Fictions,” 47-8.

⁵ There is a large body of scholarship on the relationship between empathy and human rights advocacy (including debates about whether or not the cultivation of empathy successfully inspires advocacy). In addition to Hunt’s *Inventing Human Rights*, see, for instance, Sarah Winter, “‘Inverted Sympathy’: Empathy and Mediation in Literary Transactions of Human Rights” in *The Routledge Companion to Literature and Human Rights*, ed. Sophia A. McClennen and Alexandra Schultheis Moore (New York: Routledge, 2016), 427-432 and James Dawes, “Human Rights, Literature, and Empathy,” in *The Routledge Companion to Literature and Human Rights*, 427-432.

⁶ I refer to both American Indians and migrants who cross the U.S.-Mexican border as indigenous on the basis that the overwhelming majority (ninety percent) of Mexicans have indigenous ancestry and a significant number (twenty-eight percent) are either predominately or entirely Amerindian. See “The World Factbook: Mexico,” *Central Intelligence Agency* (United States of America. Web. 7 Jan. 2016).

⁷ See Tjaden, Patricia and Nancy Thoennes, “Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women,” U.S. Department of Justice (2000. Web. 16 August 2015).

⁸ See Jasmine Owens, “‘Historic’ in a Bad Way: How the Tribal Law and Order Act Continues the American Tradition of Providing Inadequate Protection to American Indian and Alaska Native Rape Victims,” in *Journal of Criminal Law and Criminology* 102.2 (2012), 502, 497-524.

⁹ See Sarah Deer, “Decolonizing Rape Law: A Native Feminist Synthesis of Safety and Sovereignty,” *Wicazo Sa Review* 24 (2009), 160, 149-167.

¹⁰ See Peter Beidler, *Murdering Indians: A Documentary History of the 1897 Killings That Inspired Louise Erdrich’s The Plague of the Doves* (Jefferson, North Carolina, and London: McFarland & Company, Inc., Publishers, 2014).

¹¹ See Jeff Baenen, “Erdrich bases new novel on lynching,” in *Los Angeles Times* (28 June 2008. Web. 2 August 2015).

¹² See Beidler, *Murdering Indians*, who notes that in the case of the historical event Erdrich fictionalizes, at least two of the American Indian men who were hanged, Paul Holy Track and Philip Ireland, were almost certainly guilty of murder. The guilt or innocence of the third man, Alec Coudotte, is much less certain.

¹³ Regina does not specify here the war to which she refers. It could be the 1846-1848 U.S.-Mexican war (which concluded with Mexico ceding nearly half of its territory to the U.S.), the more recent Iraq war that Regina later laments, or war in general.

¹⁴ U.S. and Mexican police report that one side effect of the crackdown in border security and the attendant difficulties of crossing into the U.S. from Mexico is that Mexican drug cartels have taken over the human smuggling business. They frequently increase their profits by holding migrants for ransom and extorting them for additional money. See Joel Millman, “Immigrants Become Hostages as Gangs Prey on Mexicans,” in *The Wall Street Journal* (10 June 2009. Web. 7 Jan. 2016).

¹⁵ See Rivas-Rodriguez and Olguín. Maggie Rivas-Rodriguez, Maggie and B.V. Olguín, *Latina/os and World War II: Mobility, Agency, and Ideology* (Austin: University of Texas Press, 2015).

¹⁶ Redirecting migrants away from the safest routes has, in many cases, led them to cross in remote desert regions controlled by Mexican drug cartels. See Millman, "Immigrants Become Hostages as Gangs Prey on Mexicans."

¹⁷ Castillo, *The Guardians*, 207.

¹⁸ In Mexico, since the colonial era, there has been a social and economic hierarchy that places the lighter-skinned Mexicans with European descent at the top and darker-skinned Mexicans of indigenous and African descent at the bottom. For a critical discussion of this phenomenon and some its literary representations. See Tereza Szeghi, "With 'cheekbones and noses like eagles and hawks': Indigeneity and Mestizaje in Ana Castillo's *The Mixquiahuala Letters* and Leslie Marmon Silko's *Almanac of the Dead*," in *Comparative Literature* 65.4 (December 2013), 429-449.

¹⁹ Quoted in Belinda Luscombe, "10 Questions," in *Time* (14 Jan. 2013. 60. Web. 24 May 2015).

²⁰ *Universal Declaration of Human Rights* (United Nations General Assembly 10 Dec. 1948. Web. 16 Jan. 2016).

²¹ As Marissa López observes, "Rather than crafting allegorical morality tales or humanizing her characters into metaphorical abstraction, Castillo asserts that real people, like the characters in her novel, lead real lives conditioned by geopolitical forces beyond their control or ken, in which literature has the potential to make an intervention." See López, *Chicano Nations: The Hemispheric Origins of Mexican American Literature* (New York: New York University Press, 2011), 153.

²² When Joe misses Lark's heart with the rifle he had been practicing with, Cappy fires the fatal shot.

²³ Kimberly A Nance, "Reading Human Rights Literature in Undergraduate Literature Classes: Professorial Desire, Disciplinary Culture, and the Chances of Cultivating Compassion" in *Journal of Human Rights* 9 (2010), 161-174.

²⁴ David Comer Kidd and Emanuele Costano, "Reading Literary Fiction Improves Theory of Mind," in *Science* 342 (18 October 2013. Web. 7 January 2016), 377-378.

²⁵ Julie Tharp, "Erdrich's Crusade: Sexual Violence in *The Round House*," *Studies in American Indian Literature* 26.3 (2014), 25-40.

²⁶ Joe does not just narrate the novel's events but writes about them from his adult perspective.

²⁷ "Violence Against Women Act (VAWA) Reauthorization 2013," The United States Department of Justice (Web. 14 June 2015).

²⁸ Martin Ruhs, "The Human Rights of Migrant Workers: Why So Few Countries Care," in *American Behavioral Scientist* 56 (9), 1277-1293.

²⁹ Officially American Indian tribes are not regarded by the U.S. as akin to foreign nations but as domestic dependents, as per the 1831 Supreme Court decision in *Cherokee Nation v. Georgia*, 30 U.S. 1, 17 (1831).

³⁰ A consistent line of argument against the effectiveness of the *UNDRIP* is its reliance (like most human rights instruments) on the State to ensure the rights of indigenous peoples and to make decisions about the content and means of achieving those rights. See, for example, Isabelle Schulte-Tenckhoff, "Treaties, peoplehood, and self-determination: understanding the language of indigenous rights," *Indigenous Rights in the Age of the UN Declaration*, ed. Elvira Pulitano, (Cambridge: Cambridge University Press, 2012), 64-86.

³¹ Jennie Camp, for example, claims that *The Guardians*' editorial-like qualities undermine "her characters' all-too-human experiences." See Camp, "The Guardians," in *Rocky Mountain News* (24 Aug. 2007), 36.

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